

REMARKS

At the outset, the Examiner is thanked for the courtesies extended during the telephone interview on May 11, 2009, the substance of which is reflected in the following remarks.

By this response, Claims 1, 2, 4, 10, 15, 26, 30-32, 35-40 and 44 are currently amended; and claim 43 is cancelled without prejudice or disclaimer. No new matter is added. Accordingly, claims 1-42 and 44-55 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

In the Office Action, claims 1-55 are rejected under 35 U.S.C. 101. Applicant respectfully traverses this rejection. In particular, Applicant submits that the claims are directed to statutory subject matter because these claims are tied to a particular machine or apparatus, and/or transform a particular article into a different state or thing. *A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.* See Benson, 409 U.S. at 70.

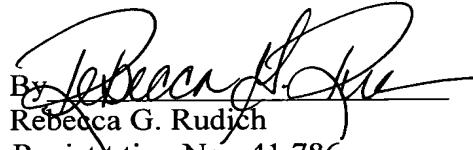
Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection to the claims. Applicants submit that claims 1-42 and 44-55 are therefore allowable, and such action is hereby solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: May 11, 2009

Respectfully submitted,

By 

Rebecca G. Rudich

Registration No.: 41,786

McKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorneys for Applicant